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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CRIMINAL MINUTES - SENTENCING AND JUDGMENT**

CASE NO. CR02-959 -GAF

Date: 8-18-03

HONORABLE GARY ALLEN FEES, JUDGE

MARILYNN MORRIS

LISA GONZALEZ

T. Loeser

Deputy Clerk

Court Reporter

Asst U.S. Attorney

B. Fadaio

M. Evans

Defendant

DFPD/APPTD/RTND/Counsel

Interpreter

SENTENCE: DEFENDANT ☒ DOES ☐ DOES NOT ADDRESS THE COURT PRIOR TO SENTENCING.☒ REFER TO JUDGMENT AND PROBATION/COMMITMENT ORDER (attached hereto) & SEE BELOW

Imprisonment for _____ years/months on each of counts _____

Count(s) _____ concurrent/consecutive to count(s) _____

Fine of \$ _____ is imposed on each of count(s) _____ Concurrent/Consecutive.

Execution/Imposition of sentence as to imprisonment only suspended on count(s) _____

Confined in jail-type institution for _____ to be served on consecutive days/weekends commencing _____

_____ year/months Supervised Release/Probation imposed on count(s) _____ consecutive/concurrent to

count(s) _____ under the usual terms & conditions (see back of Judgment/Commitment Order) and the

following additional terms and conditions, under the direction of the Probation Office:

Perform _____ hours of community service.

Serve _____ in a CCC/CTC.

Pay \$ _____ fine amounts & times determined by P/O.

Make \$ _____ restitution in amounts & times determined by P/O.

Participate in a program for treatment of narcotic/alcohol addiction.

Pay any fine imposed by this sentence & that remains unpaid at commencement of community supervision. Comply with rules/regulations of INS, if deported not return to U.S.A. illegally and upon any reentry during period of supervision report to the nearest P/O within 72 hours.

OTHER CONDITIONS: _____

Pursuant to Section 5E1.2(f), all fines are waived, including costs of imprisonment & supervision. The Court FINDS the defendant does not have the ability to pay.

Pay \$ _____ per count, special assessment to the United States for a total of \$ _____

Imprisonment for _____ months/years and for a study pursuant to 18 USC _____ with results to be furnished to the Court within _____ days/months whereupon the sentence shall be subject to modification. This matter is set for further hearing on _____

On Government's motion, all remaining count(s)/underlying indictment/information, ordered dismissed.

Defendant informed of right to appeal - Waived

ORDER sentencing transcript for Sentencing Commission.

Filed statement of reasons.

Bond exonerated _____ upon surrender _____ upon service of _____

Execution of sentence is stayed until 12 noon, _____ at which time the defendant shall surrender to the designated facility of the Bureau of Prisons, or, if no designation made, to the U.S. Marshal.

Defendant ordered released from custody of U.S. Marshal forthwith. (Court informed there is INS hold)

Issued Remand/Release # _____

Present bond to continue as bond on appeal.

Appeal bond set at \$ _____

☒ Filed and distributed judgment. Issd JS-3. ENTERED.

CR 90 (2/91)

CRIMINAL MINUTES - SENTENCING AND JUDGMENT

ENTER ON ICMS

AUG 19 2003

(37)

SBR

Deputy Clerk Initials *mm*

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No. CR02-959-GAFDefendant BABAJIDE FADAIROSocial Security No. 462-77-2495

akas: _____

Residence 9400 Burnet Avenue #119
Address North Hills, CA 91343Mailing Address _____

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
08	18	2003

COUNSEL☒ **WITH COUNSEL**

MICHAEL EVANS
RETAINED COUNSEL

(Name of Counsel)

PLEA☒ **GUILTY**, and the court being satisfied that there is a factual basis for the plea. ☐

**NOLO
CONTENDERE**

☐ **NOT
GUILTY**

FINDINGThere being a finding/verdict of ☐ **GUILTY**, defendant has been convicted as charged of the offense(s) of:

18 USC 1344, 2(b): Bank Fraud, Causing an Act to be Done (Counts 1 and 2), Class B Felonies

**JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 18 months. This term consists of 18 months on each of Counts 1 and 2 of the Indictment, to be served concurrently.

It is ordered that the defendant shall pay to the United States a special assessment of \$200, which is due immediately.

It is ordered that the defendant shall pay restitution in the total amount of \$193,148 pursuant to 18 USC 3663A.

The amount of restitution ordered shall be paid as follows. The addresses are to be provided by the case agent.

VictimAmount

C.D. Peacock Jewelers
520 North Michigan Ave.
Chicago, IL 60611

\$ 4,050

City National Bank
Attn: Joyce Wilson
606 S. Olive, 6th Fl.
Los Angeles, CA 90014

\$96,591

Discover Card
Attn: Dolores Chidley
PO Box 4367
Covina, CA 91723

\$ 5,997

USA vs. BABAJIDE FADAIRO

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Fleet Bank \$ 6,727
 Attn: Fraud Investigations
 201 Gilbraltar Road
 Horsham, PA 19044

Mountain American CU \$ 9,800
 Attn: Operational Security
 660 S. 200 E.
 Salt Lake City, UT 84111

Navy Federal Credit Union \$ 3,612
 Attn: Teresa Awtrey
 820 Follin Lane
 Vienna, VA 22180

U.S. Bank \$15,295
 (Address unknown)

Saginaw Medical FCU \$27,779
 Attn: Restitution
 PO Box 6160
 Saginaw, MI 48603

Washington Mutual Bank \$11,661
 Attn: Loss Management
 400 E. Main St.
 Stockton, CA 95290

Wells Fargo \$11,636
 (Address unknown)

If the defendant makes a partial payment, each payee shall receive approximately proportional payment unless another priority order or percentage payment is specified in this judgment.

Restitution shall be due during the period of imprisonment, as directed by the Court or the United States Attorney, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least \$25 shall be made during the period of supervised release. These payments shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.

Pursuant to 18 USC 3612(f)(3)(A), interest on the restitution ordered is waived because the defendant does not have the ability to pay interest. Payments may be subject to penalties for default and delinquency pursuant to 18 USC 3612(g).

The defendant shall be held jointly and severally liable with convicted co-participant Mary Peters (Docket No. CR-02-961) and for the amount of restitution ordered in this judgment.

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The defendant shall comply with General Order No. 01-05.

Pursuant to Section 5E1.2(e) of the Guidelines, all fines are waived as it is found that the defendant does not have the ability to pay a fine in addition to restitution.

It is recommended that the Bureau of Prisons designate the defendant to an Intensive Confinement Center (ICC).

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years under the following terms and conditions. This term consists of 5 years on each of Counts 1 and 2 of the Indictment, all such terms to run concurrently.

1. The defendant shall comply with the rules and regulations of the U. S. Probation Office and General Order 318;
2. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to 1 drug test within 15 days of release from imprisonment and at least 2 periodic drug tests thereafter, as directed by the Probation Officer;
3. During the period of community supervision the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment;
4. The defendant shall not obtain or possess any driver's license, Social Security number, birth certificate, passport or any other form of identification in any name, other than the defendant's true legal name, without the prior written approval of the Probation Officer; further, the defendant shall not use, for any purpose or in any manner, any name other than his true legal name;
5. The defendant shall not be employed in any position that requires licensing and/or certification by any local, state or federal agency without prior approval of the Probation Officer;
6. The defendant shall not open or maintain a post office box or private mail box without the prior approval of the Probation Officer and shall only receive mail at his residence and place of business.

It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons on or before 12 noon, October 20, 2003. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

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The bond is to remain in effect until defendant self-surrenders. Defendant advised of his appellate rights. Government informs the Court that his rights were waived based upon the sentencing.

The government, on its own motion dismisses and remaining/underlying counts/information/indictment.

The court recommends housing in the Southern California area.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

☐ This is a direct commitment to the Bureau of Prisons, and the Court has NO OBJECTION should the Bureau of Prisons designate defendant to a Community Corrections Center.

Date

8/18/03

 GARY ALLEN FEESS, U. S. District Judge

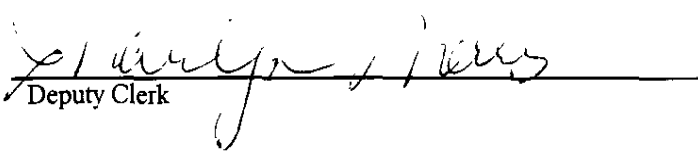
It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Sherri R. Carter, Clerk

Filed Date

8-18-03

By


 Deputy Clerk

USA vs. BABAJIDE FADAIRODocket No.: CR02-959-GAF

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page(s) pursuant to General Orders 318 and 01-05.

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),*
 - Providers of compensation to private victims,*
 - The United States as victim;*
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

USA vs. BABAJIDE FADAIRODocket No.: CR02-959-GAF**STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE**

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime,
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependants and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall not possess a firearm or other dangerous weapon,
16. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

Date _____

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____

Deputy Clerk

8-18-03
Filed Date

NOTICE PARTY SERVICE LIST

Case No. CR 02-959 Case Title USA v. Inelander
 Filed Date _____ Title of Document jxcjmo

<input type="checkbox"/>	Atty Stlmnt Officer
<input type="checkbox"/>	BAP (Bankruptcy Appellate Panel)
<input type="checkbox"/>	Beck, Michael J (Clerk, MDL Panel)
<input type="checkbox"/>	BOP (Bureau of Prisons)
<input type="checkbox"/>	Calderon, Arthur - Warden, San Quentin
<input type="checkbox"/>	CAAG (California Attorney General's Office - Keith Borjon, L.A. Death Penalty Coordinator)
<input type="checkbox"/>	CA St Pub Defender (Calif. State PD)
<input type="checkbox"/>	Case Asgmt Admin (Case Assignment Administrator)
<input type="checkbox"/>	Catterson, Cathy (9 th Circuit Court of Appeal)
<input type="checkbox"/>	Chief Deputy Adm
<input type="checkbox"/>	Chief Deputy Ops
<input type="checkbox"/>	Clerk of Court
<input type="checkbox"/>	Death Penalty H/ C (Law Clerks)
<input type="checkbox"/>	Dep In Chg E Div
<input type="checkbox"/>	Dep In Chg So Div
<input checked="" type="checkbox"/>	Fiscal Section
<input type="checkbox"/>	Intake Supervisor
<input type="checkbox"/>	Interpreter Section
<input type="checkbox"/>	PIA Clerk - Los Angeles (PIALA)
<input type="checkbox"/>	PIA Clerk - Santa Ana (PIASA)
<input type="checkbox"/>	PIA Clerk - Riverside (PIAED)
<input checked="" type="checkbox"/>	PSA - Los Angeles (PSALA)
<input type="checkbox"/>	PSA - Santa Ana (PSASA)
<input type="checkbox"/>	PSA - Riverside (PSAED)
<input type="checkbox"/>	Schnack, Randall (CJA Supervising Attorney)
<input type="checkbox"/>	Statistics Clerk
<input type="checkbox"/>	Stratton, Maria - Federal Public Defender

<input type="checkbox"/>	US Attorneys Office - Civil Division -L.A.
<input type="checkbox"/>	US Attorneys Office - Civil Division - S.A.
<input type="checkbox"/>	US Attorneys Office - Criminal Division -L.A.
<input type="checkbox"/>	US Attorneys Office - Criminal Division -S.A.
<input type="checkbox"/>	US Bankruptcy Court
<input checked="" type="checkbox"/>	US Marshal Service - Los Angeles
<input type="checkbox"/>	US Marshal Service - Santa Ana
<input type="checkbox"/>	US Marshal Service - Riverside
<input checked="" type="checkbox"/>	US Probation Office
<input type="checkbox"/>	US Trustee's Office

<input type="checkbox"/>	ADD NEW NOTICE PARTY (* print name and address below):
_____ _____ _____	
* Print name & address of the notice party if this is the first time this notice party is being served through Optical Scanning. Print ONLY the name of the notice party if documents have previously been served on this notice party through Optical Scanning.	

<input type="checkbox"/>	JUDGE / MAGISTRATE JUDGE (list below):
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

 Initials of Deputy Clerk AW
W m m